

ORDINANCE NO. 95-2

AN ORDINANCE OF THE SUNNYSLOPE COUNTY WATER DISTRICT
ESTABLISHING WATER CONSERVATION STANDARDS
FOR SUBDIVISIONS

WHEREAS, the San Benito County Planning Commission has approved tentative maps for subdivisions a condition of which requires that the developer receive a water service or a will-serve commitment from the Sunnyslope County Water District ("District"). The City of Hollister imposes the condition in all tentative maps that water availability be approved by the appropriate agency; and

WHEREAS, the District has become increasingly concerned about these subdivision conditions because they place the District in the position of being compelled to serve water to the development without having the ability to review and approve of the development as it pertains to water conservation measures; and

WHEREAS, the District commissioned a groundwater resources study which was prepared by David Keith Todd & Associates. The study found that there was a change in groundwater storage averaging 1250 acre feet per year (average annual overdraft) (based upon the ground water level differences between 1913 and 1992).

WHEREAS, water balance is dynamic and subject to change through proper water management of inflows and outflows, augmentation of water supplies through increased importations and artificial recharge of surface water, and the encouragement of water conservation to minimize water use.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE SUNNYSLOPE COUNTY WATER DISTRICT does ordain as follows:

Section 1. Purpose. It is the intention of the District through adoption of this ordinance that all water conservation and landscaping plans submitted by developers for projects located within the Sunnyslope County Water District boundaries pursuant to Government Code Section 65591, et seq., be subject to review and approval of the District in addition to review and approval by the city or county. It is the District's intent that no water service agreement shall be entered into between the District and a developer until the water conservation and landscaping plan has been approved by the District.

Section 2. Legal Requirements. The Sunnyslope County Water District jurisdictional boundary contains areas within both the City of Hollister and the unincorporated areas of San Benito County. Under Government Code Sections 65591, et seq., the city and county are required to adopt an ordinance containing certain provisions for water conservation and water efficient landscaping. On July 7, 1992 the County of San Benito adopted its final water conservation plan. Although the City of Hollister has not yet adopted a water conservation plan pursuant to Government Code Section 65591, et seq., the model ordinance for water conservation and efficient landscaping prepared by the state automatically takes effect on January 1, 1993 and shall be enforced by the city as if the city had adopted a water conservation plan pursuant to this section.

Section 3. District Requirements. Prior to the District entering into a water service agreement with an individual or developer for residential, commercial, or agricultural service, the party requesting water service shall demonstrate to the District that the requesting party has met all requirements of the water conservation and landscape efficiency plan as adopted by the County of San Benito or the City of Hollister pursuant to Government Code Section 65591, et seq..

Further, the party requesting service must provide to the District its water conservation plan and landscape efficiency plan for review and approval by the District. In this regard, the city and county have agreed to impose the requirements of this ordinance as a condition of tentative map approval for any development.

No water service contract shall be entered into by the District unless and until the party requesting service has met the requirements of this section.

Section 4. Violations - Penalty. Any violations of this ordinance shall be punishable as provided in Ordinance No. 4, Section 8, and Sunnyslope County Water Code Section 3.04.080.

Section 5. Invalidity. In the event that any portion or provision of this ordinance shall be determined by a court of law or other tribunal to be invalid or unconstitutional, such a finding of invalidity or unconstitutionality shall not affect the validity of the remaining provisions of this ordinance which shall remain in full force and effect.

Section 6. This ordinance is an urgency ordinance and shall be in full force and effect immediately upon its passage and shall be published once in a newspaper of general circulation

published and printed in the County of San Benito, State of California, together with the names of the members of the Board of Directors voting for and against same prior to 15 days from its passage hereof. The basis for the urgency is that substantial development is occurring within the Sunnyslope County Water District boundaries and the provisions of this ordinance need to be in place immediately for purposes of water conservation.

Section 7. The foregoing Ordinance was introduced at a regular meeting of the Board of Directors of the Sunnyslope County Water District held April 20, 1995;

Passed and adopted by said Board of Directors at a regular meeting of said District held on May 11, 1995, by the following vote:

AYES: DIRECTORS: Nelson, Hailstone, Anderson, Anderson, & Guerra
NOES: DIRECTORS: None
ABSENT: DIRECTORS: None

BOARD OF DIRECTORS,
SUNNYSLOPECOUNTYWATERDISTRICT

By  _____
Marchel Nelson, President

ATTEST:

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Bryan M. Yamaoka, Secretary